

Remarks

By this amendment claims 22-24, 30-33 and 35 are amended; and claims 1, 7-14, 21, 25-29 and 34 are canceled. Claims 22-24, 30-33 and 35 are pending. Support can be found in the specification as filed, in particular as found in the previous claim set and as described below. No issue of new matter arises.

Claim Objections

Claims 22-24 and 30-35 were objected to as being dependent upon a rejected [objected] base claim. Claims 22, 24 and 30 are amended to incorporate subject matter of claims from which they depended, i.e., claims 1, 9, 14 and 21. Claim 23 is amended to incorporate subject matter of claims from which it depended, i.e., claims 1, 9 and 14.

Claim 31 is amended to incorporate subject matter from claim 1. Dependency of claims 32, 33 and 35 is updated.

Claims 22-24, 30 and 31 are amended to recite “encoding” rather than “coding” in the language previously found in claim 1. Reconsideration and withdrawal of these objections are respectfully requested.

Miscellaneous

The Advisory Action indicated that claim 34 was improperly dependent from claim 33. Claim 34 is canceled. This issue is thereby mooted.

Provisional Double Patenting Rejection

Claims 1 and 7-13 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over US application number 10/076,631. Claims 1, 9, 12-14, 21 and 25-28 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over US patent 7,202,059. These claims have all been canceled. Reconsideration and withdrawal of this rejection are respectfully requested.

Conclusion

In view of the above amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of all pending rejections. Applicant respectfully submits that the application is now in condition for allowance and request prompt issuance of a Notice of Allowance. Should the Examiner believe that anything further is desirable that

might put the application in even better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

Fees

Any fees necessitated by the instant response are authorized for payment. Authorization is hereby given to charge Deposit Account no. 18-1982 for any underpayment, or to credit any overpayments.

Respectfully submitted,

/George S. Jones/
George S. Jones (Reg. No. 38,508)
Attorney for Applicant

sanofi-aventis US Inc.
Patent Department
Route #202-206 / P.O. Box 6800
Bridgewater, NJ 08807-0800
Telephone (908) 231-3776
Telefax (908) 231-2626
Sanofi-aventis Docket No.: DEAV2001/0008 US NP